

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of)
)
PUBLIC UTILITIES COMMISSION) DOCKET NO. 2009-0108
)
Instituting a Proceeding To)
Investigate Proposed Amendments to the)
Framework for Integrated Resource Planning)

**COUNTY OF HAWAII'S MOTION TO INTERVENE OR TO PARTICIPATE IN THE
PUBLIC UTILITIES COMMISSION'S DOCKET NO. 2009-0108,
INSTITUTING A PROCEEDING TO INVESTIGATE PROPOSED AMENDMENTS
TO THE FRAMEWORK FOR INTEGRATED RESOURCE PLANNING**

and

CERTIFICATE OF SERVICE

FILED
2009 JUN -3 P 3:00
PUBLIC UTILITIES
COMMISSION

Lincoln S. T. Ashida 4478
Corporation Counsel

William V. Brilhante Jr. 8010
Michael J. Udovic 5238
Deputies Corporation Counsel
County of Hawai'i
101 Aupuni Street, Suite 325
Hilo, Hawai'i 96720
Telephone: (808) 961-8251

Attorneys for the County of Hawai'i

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of)	
)	
PUBLIC UTILITIES COMMISSION)	DOCKET NO. 2009-0108
)	
Instituting a Proceeding to Investigate)	
Proposed Amendments to the Framework)	
<u>For Integrated Resource Planning</u>)	

**COUNTY OF HAWAII'S MOTION TO INTERVENE OR TO PARTICIPATE IN THE
PUBLIC UTILITIES COMMISSION'S DOCKET NO. 2009-0108,
INSTITUTING A PROCEEDING TO INVESTIGATE PROPOSED AMENDMENTS
TO THE FRAMEWORK FOR INTEGRATED RESOURCE PLANNING**

The COUNTY OF HAWAII ("County"), by and through its attorneys LINCOLN S.T. ASHIDA, Corporation Counsel and WILLIAM V. BRILHANTE JR., Deputy Corporation Counsel, hereby moves this honorable Public Utilities Commission ("Commission") to authorize the County to intervene in Docket No. 2009-0108, a proceeding to investigate proposed amendments to the framework for integrated resource planning.

In support of its Motion, the County represents and asserts it meets the requirements for intervention pursuant to Title 6, § 61-55(b) Hawaii Administrative Rules, as follows:

I. NATURE OF THE COUNTY'S STATUTORY OR OTHER RIGHT TO PARTICIPATE IN THE HEARING

The nature of the County's statutory right to intervene is provided by the Hawaii Revised Statutes ("HRS") § 46-1.5, which states that the County has the power to:

(7)...exercise regulatory powers over business activity as are assigned to them by chapter 445 or other general law.

(13)...enact ordinances deemed necessary to protect health, life, and property, and preserve the order and security of the county and its inhabitants.

Furthermore, the approval of a Clean Energy Scenario Planning ("CESP") process will be applicable to all of the electric utilities in the State of Hawai'i and the County, so any Commission order resulting from this investigation will impact the County's obligation to promote the welfare of the residents of the Hawai'i County.

II. NATURE AND EXTENT OF THE COUNTY'S PROPERTY, FINANCIAL, AND OTHER INTEREST IN THE PENDING MATTER

The County also has property and financial interest in this proceeding as a major consumer and potential renewable energy producer of electricity on the island. The County is a major consumer of utility electricity in Hawai'i County. To reduce its electric bills and reduce its dependence on fossil-fuel generated power, the County is exploring its energy efficiency and renewable energy options. The County is also concerned about the overall economic health of Hawai'i's economy and the negative impacts attributed to its over-reliance on imported oil.

III. EFFECT OF THE PENDING ORDER AS TO THE COUNTY'S INTEREST

As previously discussed, *supra*, the pending order will affect the County's interests as a major consumer of electric utility services. Furthermore, the pending order will affect the County's interest to promote the general welfare of the people of Hawai'i County.

IV. OTHER MEANS AVAILABLE WHEREBY THE COUNTY'S INTEREST WILL BE PROTECTED

There are no other means available whereby the County's interest will be protected. None of the parties known to the County have the same interests as the County as the governing entity for the County of Hawai'i and its residents.

V. EXTENT TO WHICH THE APPLICANT'S INTEREST WILL NOT BE REPRESENTED BY THE EXISTING PARTIES

Although the Department of Commerce and Consumer Affairs, Division of Consumer Advocacy has been named a party to this proceeding, the County has a specific desire and interest to participate in the development of a CESP Framework. The development of a 5-year action plan is of great interest to the County. The identification of Renewable Energy Zones or geographic areas of the islands in which infrastructure improvements should be focused requires the active participation of local government. The CESP process will have a definite impact on future development and growth. The CESP must be consistent with County planning policies, the General Plan, community plans, and the Hawai'i County Code. The County is also one of the largest consumers of electricity on Island and has a strong desire to use more indigenous renewable energy and reduce its dependence on imported oil. It is important for the County to stabilize price spikes related to the oil price volatility and the negative impact high oil prices have on County services and economic prosperity. Several of the Governing Principles from the Proposed Framework for CESP are directly related to county concerns, including "2. CESP scenarios and the CESP Action Plan shall comport with state and county environmental, health, and safety laws and formally adopted state and county plans; and 4. CESP scenarios and the CESP Action Plan shall give consideration to the plans' impacts upon the utility's consumers, the environment, culture, community lifestyles, the State's economy, and society."

VI. EXTENT TO WHICH THE APPLICANT'S PARTICIPATION CAN ASSIST IN THE DEVELOPMENT OF A SOUND RECORD

The County has knowledge of utility programs from its participation in numerous dockets related to energy planning, renewable energy, feed-in tariffs and distributed generation. Finally, the County has unique knowledge of land use planning issues, its own renewable energy plans and the ongoing development of its Energy Sustainability Plan to assist in the development of a sound record to contribute to the development of the CESP process.

VII. EXTENT TO WHICH THE APPLICANT'S PARTICIPATION WILL BROADEN THE ISSUES OR DELAY THE PROCEEDINGS

The County's participation as an intervenor will not broaden the issues or delay the proceedings.

VIII. EXTENT TO WHICH THE APPLICANT'S INTEREST IN THE PROCEEDING DIFFERS FROM THAT OF THE GENERAL PUBLIC

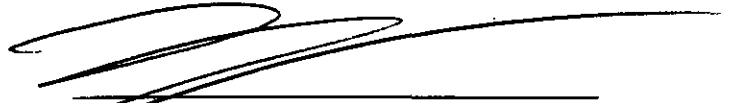
The County's interest in the proceeding differs from that of the general public because the County is one of the largest users of utility power on the Island, it has the capacity to generate renewable power at numerous County facilities, and it is directly impacted by oil price volatility as it relates to economic impacts to its operating budget which provides essential public services to its residents and visitors. Furthermore, the County has the unique responsibility for ensuring the public welfare of its citizens as well as commerce in Hawai'i County.

IX. WHETHER THE APPLICANT'S POSITION IS IN SUPPORT OF OR IN OPPOSITION TO THE RELIEF SOUGHT

The County supports amendments to the framework for integrated resource planning that will benefit the citizens of Hawai'i County.

For all of the foregoing reasons, the County respectfully requests the Commission to grant the County intervenor or participant status in Docket No. 2009-0108.

DATED: Hilo, Hawai'i, JUN - 3 2009



William V. Brilhante Jr.
Deputy Corporation Counsel

Attorneys for COUNTY OF HAWAII

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of)	
)	
PUBLIC UTILITIES COMMISSION)	DOCKET NO. 2009-0108
)	
Instituting a Proceeding to Investigate)	
Proposed Amendments to the Framework)	
<u>For Integrated Resource Planning</u>)	

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing document were duly served upon the following by United States mail, postage prepaid, on June 3, 2009, addressed as follows:

CATHERINE P. AWAKUNI	2 copies
EXECUTIVE DIRECTOR	
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS	
DIVISION OF CONSUMER ADVOCACY	
P. O. Box 541	
Honolulu, Hawai'i 96809	

DARCY L. ENDO
VICE PRESIDENT
GOVERNMENT AND COMMUNITY AFFAIRS
HAWAIIAN ELECTRIC COMPANY, INC.
P.O. Box 2750
Honolulu, HI 96840-0001

DEAN MATSUURA
MANAGER
REGULATORY AFFAIRS
HAWAIIAN ELECTRIC COMPANY, INC.
P.O. Box 2750
Honolulu, HI 96840-0001

JAY IGNACIO
PRESIDENT
HAWAII ELECTRIC LIGHT COMPANY, INC.
P.O. Box 1027
Hilo, HI 96721-1027

EDWARD L. REINHARDT
PRESIDENT
MAUI ELECTRIC COMPANY, LTD.
P.O. Box 398
Kahului, HI 96732

RANDALL J. HEE, P.E.
President and Chief Executive Officer
Kauai Island Utility Cooperative
4463 Pahe'e Street, Suite 1
Līhu'e, Kauai, HI 96766-2000

TIMOTHY BLUME
KAUA'I ISLAND UTILITY COOPERATIVE
4463 Pahe'e Street, Suite 1
Līhu'e, HI 96766-2000

JEFFREY M. KISSEL
PRESIDENT AND CHIEF EXECUTIVE OFFICER
THE GAS COMPANY, LLC
745 Fort Street, 18th Floor
Honolulu, HI 96813

GEORGE T. AOKI, ESQ.
THE GAS COMPANY, LLC
745 Fort Street, 18th Floor
Honolulu, HI 96813

Counsel for The GAS COMPANY, LLC

DATED: Hilo, Hawai'i, JUN - 3 2009



WILLIAM V. BRILHANTE, Jr.
Deputy Corporation Counsel
Attorneys for COUNTY OF HAWAII